

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/812,502 Confirmation No.: 3244
Applicant : William Z. Zahavi, et al.
Filed : March 30, 2004
T.C./A.U. : 2178
Examiner : William Wong

Docket No. : EMC-043PUS
Customer No. : 51576

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

EMC Corporation, through its below-signing representative, represents that it is the owner of record of one-hundred percent interest in U.S. Patent Application No. 10/812,502, filed on March 30, 2004 for SYSTEM AND METHOD PROVIDING HIGH LEVEL NETWORK OBJECT PERFORMANCE INFORMATION WITH THRESHOLD SELECTION, by virtue of an Assignment sent to the U.S. Patent and Trademark Office on August 2, 2004 for recordation, Reel 014929, Frame 0190.

The owner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of United States Patent Application No. 10/869,807 and hereby agrees that any patent application so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent Application No. 10/869,807, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The owner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent Application No. 10/869,807 in the event that it later lapses for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned, whose title is supplied below, is empowered to act and authorized to execute this document on behalf of the owner.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: August 8, 2007

DALY, CROWLEY, MOFFORD & DURKEE, LLP

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